



# House of Representatives

General Assembly

**File No. 96**

February Session, 2004

House Bill No. 5362

*House of Representatives, March 17, 2004*

The Committee on Public Safety reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING VETERANS' BENEFITS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 27-103 of the general statutes, as  
2 amended by section 1 of public act 03-85, is repealed and the following  
3 is substituted in lieu thereof (*Effective from passage*):

4 (a) As used in the general statutes, except chapter 504, and except as  
5 otherwise provided: (1) "Armed forces" means the United States Army,  
6 Navy, Marine Corps, Coast Guard and Air Force and any reserve  
7 component thereof; (2) "veteran" means any person honorably  
8 discharged from, or released under honorable conditions from active  
9 service in, the armed forces; (3) "service in time of war" means service  
10 of ninety or more consecutive days except, if the period of war [,  
11 campaign or other operation] lasted less than ninety days, "service in  
12 time of war" means service for the entire [duration of the] period of  
13 war, [campaign or other operation,] unless separated from service  
14 earlier because of a service-connected disability rated by the Veterans'

15 Administration; and (4) [ , during a] "period of war" means "period of  
 16 war", as defined in 38 USC 101, as amended, except that the "Vietnam  
 17 Era" means the period beginning on February 28, 1961, and ending on  
 18 July 1, 1975, in all cases; and "period of war" shall include service while  
 19 engaged in combat or a combat support role in Lebanon, July 1, 1958,  
 20 to November 1, 1958, or September 29, 1982, to March 30, 1984;  
 21 Grenada, October 25, 1983, to December 15, 1983; Operation Earnest  
 22 Will, involving the escort of Kuwaiti oil tankers flying the United  
 23 States flag in the Persian Gulf, February 1, 1987, to July 23, 1987; and  
 24 Panama, December 20, 1989, to January 31, 1990, and shall include  
 25 service during such periods with the armed forces of any government  
 26 associated with the United States.

27 Sec. 2. (NEW) (*Effective from passage*) (a) Not later than January 1,  
 28 2005, and annually thereafter, each state agency or municipality that  
 29 provides benefits to veterans, as defined in section 27-103 of the  
 30 general statutes, as amended by this act, shall submit a report to the  
 31 Commissioner of Veterans' Affairs that shall include a description of  
 32 the type of benefit provided to veterans, the value of such benefit and  
 33 the number of veterans to whom such benefit was provided for the  
 34 previous twelve-month period beginning January first and ending  
 35 December thirty-first. Said commissioner shall compile the data in  
 36 such reports.

37 (b) Not later than March 1, 2005, and annually thereafter, the  
 38 Commissioner of Veterans' Affairs shall submit a report of the data  
 39 compiled pursuant to subsection (a) of this section to the Military  
 40 Department and to the joint standing committee of the General  
 41 Assembly having cognizance of matters relating to public safety. Such  
 42 report shall specify the number of veterans receiving benefits and the  
 43 value of such benefits by category of benefit and in total for the  
 44 previous twelve-month period beginning January first and ending  
 45 December thirty-first.

This act shall take effect as follows:	
Section 1	<i>from passage</i>

Sec. 2	<i>from passage</i>
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**PS**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### ***OFA Fiscal Note***

#### ***State Impact:***

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Various State Agencies	Cost	Minimal	Minimal

#### ***Municipal Impact:***

Municipalities	Effect	FY 05 \$	FY 06 \$
Various Municipalities	Revenue Impact	Minimal	Minimal
Various Municipalities	Cost	Minimal	Minimal

### ***Explanation***

The bill expands the statutory definition of “Armed forces” to include any reserve component; establishes a reporting requirement for state agency or municipalities that provide benefits to veterans; and further requires the Department of Veterans’ Affairs (DVA) to report the data compiled (from state and municipalities) to the Military Department.

#### ***Expansion of Definition of “Armed forces”***

Among the programs available to eligible veterans are: 1) state subsidized local property tax exemptions (average benefit resulting from additional exemption is \$35 per veteran and a minimal grand list reduction to municipalities would result); 2) educational tuition waivers (average cost per waiver is \$875 - there almost 4,000 waivers for veterans and National Guardsman in FY 03); 3) award payments to veterans’ from the Soldiers’, Sailors’ and Marines’ Fund (\$1.8 million paid out in FY 03 to needy veterans); and 4) Veterans’ Home and Hospital services (estimated \$350/day to serve an additional veteran at the hospital). The DVA does generate federal reimbursement for

veterans' served (\$16.1 million in FY 03). There are an estimated 600 National Guard members that were activated under state authority that would become eligible for the above mentioned services as a result of this bill. It is unknown how many of those eligible would actually apply for such services and what the resulting cost or revenue loss would be. In addition, members of the armed forces are eligible for exemptions from certain permit requirements. The resulting cost or revenue loss to municipalities is unknown at this time.

### ***Reporting Requirements***

The bill requires each state agency and municipality that provides benefits to veterans to report annually (beginning on January 1, 2005) to DVA. The benefit reports would include a description of the type of benefit, value of the benefit and the number of veterans served. The DVA is then required to submit a report of the data compiled to the Military Department and Public Safety Committee by March 1 of each year. There are an estimated 300,000 veterans living in Connecticut. It is anticipated that some municipalities may incur a workload increase as they may not currently collect or track this information. It is anticipated that the reporting requirements would only be applied to municipality-provided services specific for veterans. In addition, it is anticipated that most state agencies that provide benefits to veterans would be able to meet the reporting requirements within their existing resources. The DVA may incur a minimal cost (less than \$5,000) to request, collect and report the information to the Military Department within two months.

**OLR Bill Analysis**

HB 5362

**AN ACT CONCERNING VETERANS' BENEFITS****SUMMARY:**

This bill adds reservists to the definition of U.S. Armed Forces, thereby making honorably discharged National Guard members eligible for war service benefits if they serve 90 consecutive days in state active service during wartime, as defined in law. This includes state active service provided by guardsmen at the airports in the aftermath of the September 11, 2001 terrorist attacks. The new definition has implications for other statutes, including those that adopt by reference the definition of armed forces in CGS § 27-103, the statute the bill amends.

The bill requires state agencies and municipalities that provide benefits to veterans to submit a report to the veterans' affairs commissioner describing the benefit, its value, and the number provided in the previous calendar year. They must submit the reports annually, starting by January 1, 2005.

The bill requires the commissioner to compile the data in the reports and, by March 1, 2005, and annually thereafter, submit a report on the data to the Military Department and the Public Safety Committee. The report must specify the number of veterans receiving benefits and the value of the benefits by category and total for the previous calendar year.

The bill requires that the 90-day minimum service requirement for war service benefits be served over consecutive days.

EFFECTIVE DATE: Upon passage

**ELIGIBILITY FOR WAR SERVICE BENEFITS**

Honorably discharged veterans who served 90 days in active service during a time of war, as defined in law, are eligible for a range of war service benefits, which are not available to other veterans. For

purposes of these benefits, current law defines a veteran as a person honorably discharged from active service in the armed forces, defined as the U.S. Army, Navy, Marines, Coast Guard and Air Force. When called to active duty under federal law (federalized), National Guard members and other reservists become a part of the U.S. Armed Forces (10 USC § 3062) and thus qualify for war service benefits, provided they meet the 90-day service or earlier separation requirement and are honorably discharged. But when called to state active service, guardsmen do not qualify for war service benefits because when in a state active service status, the National Guard is not part of the U.S. Armed Forces.

By including reservists in the definition of U.S. Armed Forces, the bill makes guard members eligible for war service benefits when they are called to state active service. Such calls are made by the governor pursuant to state law (Title 27) or federal law (Title 32). (National Guard members are the only reservists that the governor is authorized to call to duty.)

### ***Statutes Affected by New Armed Services Definition***

CGS § 27-103, which this bill amends, specifies that its definition of “armed forces” applies throughout the statutes, except as otherwise provided. Several statutes adopt this definition of armed forces by reference. Others include the term without providing a definition, thus subjecting the use to the definition of armed forces in § 27-103. The bill has implications for these statutes. In practice, it may depend on how agencies have been interpreting the term. For purposes of war service benefits, it appears that agencies have been applying a strict interpretation, excluding reservists not called to active federal duty.

Example of statutes that adopt the § 27-103 definition of U.S. Armed Forces include (1) CGS § 46b-44, which establishes residency for divorce purposes and (2) CGS § 29-35, which exempts members of the armed forces going to and from duty from handgun permit requirements.

Statutes that use the term armed forces without a definition include (1) CGS § 12-505, which establishes domicile for certain tax issues, and (2) CGS § 45a-111, which waives fees for proceedings in estate settlements of members of the armed forces who died while in service during wartime.

## BACKGROUND

### *Time of War*

Table 1 shows the operations occurring since 1940 that qualify as wartime service under Connecticut law, for purposes of veterans' war service benefits. This includes any time served since August 2, 1990 (CGS § 27-103, as amended by PA 03-85).

**Table 1: War Service Periods Since 1940**

<i>Operation</i>	<i>Dates</i>
World War II	12/7/41-12/31/46
Korean War	6/27/50-1/31/55
Lebanon Conflict*	7/1/58-11/1/58
Berlin Airlift	8/14/61-6/1/62
Vietnam Era	2/28/61-7/1/75
Lebanon peacekeeping mission*	9/29/82 -3/30/84
Grenada invasion*	10/25/83-12/15/83
Operation Earnest Will (escort of Kuwaiti tankers flying U.S. flag in Persian Gulf)*	2/1/87-7/23/87
Panama invasion*	12/20/89-1/31/90
Persian Gulf War	8/2/1990 until a date prescribed by the President or law
	Period beginning on date of any future congressional declaration of war and ending on the date prescribed by the presidential proclamation or concurrent resolution of Congress

\*Service must be in a combat or combat-support role

### **War Service Benefits**

*Property Tax Exemption.* Wartime veterans are eligible for a minimum \$1,500 local property tax exemption. (In addition to U.S. veterans, veterans who in the armed forces of U.S. allies in WWI and II, but not other wars, qualify for this benefit.)



*Education Benefits.* The law waives tuition at the state's public colleges and universities for wartime veterans. It also provides state education aid to children between the ages of 16 and 23 of veterans killed in action, die in accidents or from illness while on active duty, or are totally and permanently disabled. The amount of aid is based need, up to \$400.

*Medical Treatment.* Wartime veterans are eligible for admission to the Veterans' Home and Hospital, and wartime veterans with no adequate means of support are eligible for admission to other hospitals at state expense.

*Civil Service Examination Bonus Points.* The law gives wartime veterans five bonus points and disabled wartime veterans 10 bonus points on initial state civil service examinations, as long as they meet the minimum competency scores. The same bonus awards apply to initial municipal civil service examinations.

*Fee Exemptions.* Wartime veterans are eligible for an exemption from any local itinerant vendor's license fee.

*Honor Guards.* Wartime veterans are entitled to funeral honor guards.

*Soldiers, Sailors and Marines Fund.* Needy wartime veterans are eligible for benefits such as food, clothing, and medical assistance from this fund.

*Temporary Financial Assistance.* Wartime veterans who need help because of disability or other service-related cause are eligible for temporary financial assistance from the veterans' affairs commissioner in an amount and for a time he decides.

*Retirement.* Members of the Municipal Employees' Retirement System who leave municipal employment to enter the armed forces while the U.S. is at war and are reemployed by the municipality within six months of discharge, are credited with the period of service as though they had been continuously employed.

Wartime veterans who become members of the State Employees' Retirement System or Teachers' Retirement System may purchase retirement credit for their entire time of service, under certain circumstances. (Nonwartime veterans may purchase credit for up to 30

months. )

State police officers and correction officers and instructors who return to work from military leave within 90 days after discharge receive retirement credit for any period of wartime service. The law also provides retirement credit for wartime service prior to the veterans' employment, if he pays the appropriate contributions to the retirement fund.

*Motor Vehicle Registration Fee Exemptions.* Disabled wartime veterans qualify for registration fee exemptions for up to three vehicles they own or lease in the passenger, camper, or combination passenger and commercial registration categories. Former prisoners of war and Congressional Medal of Honor recipients qualify for two such registrations.

Disabled wartime veterans with certain Veterans' Administration--rated disabilities also qualify for free special license plates and an identification card. The plates allow the veteran to park overtime without penalty as long as he does not leave the vehicle at any one location for more than 24 hours. Surviving spouses may keep the plates and cards until they die or remarry.

*Veterans Cemetery.* Wartime veterans are eligible for burial in the state veterans' cemetery. Eligibility is based on CGS § 27-122b, rather than CGS § 27-103, which the bill amends. Based on the former, veterans of any war fought after the Lebanon peacekeeping mission (1982-1984) are not eligible for burial in the cemetery. But, in practice, it appears that the Veterans' Department uses the war periods in CGS § 27-103 when determining eligibility.

### ***Related Bills***

SB 198, reported favorably by the Higher Education and Employment Advancement Committee on March 9, waives tuition at state colleges for dependent children and spouses of veterans who are killed or die in action during wartime.

SB 239, reported favorably by the Public Safety Committee on March 2, eliminates war service as a criterion for admission to the Veterans' Home and Hospital and burial in the veterans' cemetery and makes miscellaneous changes affecting hospital payments for veterans with

no means of support.

SB 315, reported favorably by the Public Safety Committee on March 2, allows National Guard members to participate in the Soldiers, Sailors and Marines Fund.

SB 316, reported favorably by the Public Safety Committee to the Appropriations Committee on March 2, gives a bonus of \$50 for each month served up to a maximum of \$1,000 to National Guard members who served 90 days of active duty service in Operation Enduring Freedom or Operation Iraqi Freedom.

SB 317, reported favorably by the Public Safety Committee to the Appropriations Committee on March 2, creates a Connecticut National Guard relief account to be used by the Military Department to provide relief services to guardsmen and their dependents.

## **COMMITTEE ACTION**

Public Safety Committee

Joint Favorable Report

Yea 22      Nay 0